

7925. Adulteration and misbranding of Hostelley's Syrup Hydriodic Acid.
U. S. * * * v. William H. Hostelley (W. H. Hostelley & Co.). Plea
of guilty. Fine, \$50. (F. & D. No. 10285. I. S. No. 3826-p.)

On August 18, 1919, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William H. Hostelley, trading as W. H. Hostelley & Co., at Collingdale, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 11, 1918, from the State of Pennsylvania into the State of Maryland, of a quantity of an article, labeled in part "Hostelley's Syrup Hydriodic Acid," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 0.66 per cent by weight of hydriodic acid, 0.81 gram in 100 cc., a shortage from the minimum United States Pharmacopœial requirement of 37.7 per cent and from the declared amount of 34 per cent.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as prescribed by the tests laid down in said Pharmacopœia, official at the time of investigation of said article, in that the article contained in 100 mls. 0.81 gram of hydriodic acid, whereas said Pharmacopœia provides that sirup of hydriodic acid shall contain in 100 mls. not less than 1.3 grams of hydriodic acid, and the standard of strength, quality, and purity of the article was not declared on the container thereof; and for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was sold as a product which contained 1 per cent absolute HI, to wit, 1 per cent hydriodic acid, whereas, in truth and in fact, it was a product which contained less than 1 per cent hydriodic acid, to wit, 0.66 per cent hydriodic acid.

Misbranding was alleged for the reason that the statement "One per cent absolute HI," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 1 per cent HI, to wit, 1 per cent hydriodic acid, whereas, in truth and in fact, said article did not contain 1 per cent hydriodic acid, but did contain a less amount, to wit, 0.66 per cent hydriodic acid. It was alleged, in substance, that the article was misbranded for the further reason that certain statements appearing on the labels of the bottles containing the same falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for glandular enlargements, cirrhosis of the liver, catarrhal gastritis, malarial poisoning, acute rheumatism, and pulmonary difficulties, when, in truth and in fact, it was not.

On September 8 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

7926. Misbranding of sweetened condensed milk and adulteration and
misbranding of evaporated cream. U. S. * * * v. Nestlé's Food
Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 9599.
 I. S. Nos. 6448-p, 6453-p.)

On July 17, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Nestlé's Food Co., a corporation, New York, N. Y., alleging shipment by said

company, in violation of the Food and Drugs Act, as amended, on December 29, 1917, and March 23, 1918, from the State of New York into the Territory of Porto Rico, of quantities of articles, labeled in part, respectively, "Preserved Milk * * * Sweetened Condensed Milk * * * Milkmaid Brand * * * Trade Mark In U. S. A. Anglo-Swiss Condensed Milk Co., Cham, Switzerland; and London. Net weight 14½ Ozs." and "Milkmaid Brand (picture of milkmaid) Evaporated Cream Trade Mark Anglo-Swiss Condensed Milk Co. Cham, Switzerland & London. 'Milkmaid' Brand Evaporated Cream," the former of which was misbranded and the latter adulterated and misbranded.

Examination of a sample of the condensed milk by the Bureau of Chemistry of this department showed an average shortage of 1.8 per cent in the contents of the 12 cans examined.

Examination of a sample of the evaporated cream by said bureau showed the following results:

	Per cent.
Solids.....	25.47
Fat.....	7.65
No declaration of contents was given.	

Misbranding of the milk was alleged in the information for the reason that the statements, to wit, "Condensed Milk * * * Anglo-Swiss Condensed Milk Co., Cham, Switzerland * * *" and "Net Weight 14½ Ozs.," borne on the labels attached to the cans containing the article, regarding it, were false and misleading in that they represented that the article was a foreign product, to wit, a condensed milk produced in the Swiss Confederation, and that each of said cans contained 14½ ounces of the article by weight, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a foreign product, and that each of said cans contained 14½ ounces by weight, whereas, in truth and in fact, it was not a foreign product, to wit, a condensed milk produced in the Swiss Confederation, but was a domestic product, to wit, a product produced in the United States of America, and that each of said cans did not contain 14½ ounces by weight, but did contain a less amount; for the further reason that said article by its label aforesaid purported to be a foreign product, when not so; and for the further reason that said article was falsely branded as to the country in which it was manufactured and produced in that it was a product manufactured in whole or in part in the United States of America and was branded as manufactured and produced in the Swiss Confederation.

Adulteration of the evaporated cream was alleged for the reason that a substance, to wit, a partially evaporated milk, had been substituted in whole or in part for evaporated cream, which the article purported to be.

Misbranding of this article was alleged for the reason that the statements, to wit, "Evaporated Cream * * * Anglo-Swiss Condensed Milk Co., Cham, Switzerland," borne on the labels attached to the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was evaporated cream, and that it was a foreign product, to wit, evaporated cream produced in the Swiss Confederation, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was evaporated cream, and that it was a foreign product, to wit, an evaporated cream produced in the Swiss Confederation, whereas, in truth and in fact, it was not an evaporated cream, but was a mixture composed of partially evaporated milk, and it was not a foreign product, to wit, an evaporated cream produced in the Swiss Confederation, but was a domestic product, to wit, an

article produced in the United States of America; for the further reason that it was a mixture composed of partially evaporated milk prepared in imitation of evaporated cream and was offered for sale and sold under the distinctive name of another article, to wit, evaporated cream; for the further reason that the article by its label aforesaid purported to be a foreign product, when not so; and for the further reason that the article was falsely branded as to the country in which it was manufactured and produced in that it was a product manufactured and produced in whole or in part in the United States of America and was branded as manufactured and produced in the Swiss Confederation. Misbranding of both the articles was alleged for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 30, 1919, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture*.

7927. Adulteration and misbranding of olive oil. U. S. * * * v. Cosimo Geraci and Gabriele Perillo (Economical Commercial Co.). Pleas of guilty. Fine, \$20. (F. & D. No. 9588. I. S. No. 14814-r)

On April 29, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Cosimo Geraci and Gabriele Perillo, trading as the Economical Commercial Co. New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on July 17, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article purporting to be olive oil which was adulterated and misbranded. The article was labeled in part, "Qualita Superiore" (map of Italy, Sicily, and Tripoli * * * the Italian flag and figure of woman with three-towered crown) "Olio Menorah Oil Puro Garantito $\frac{1}{4}$ Gallon Net Sotto Qualsiasi Analisi Chimica."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted almost wholly of peanut oil which had been flavored with olive oil.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, peanut oil, artificially flavored, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted for olive oil, which the article purported to be. There was also an average shortage in volume of 10 per cent on 3 cans.

Misbranding was alleged for the reason that the statements, to wit, "Qualita Superiore * * *," "Olio Puro, * * *," and " $\frac{1}{4}$ Gallon Net," together with certain designs and devices of the map of Italy and Italian flag, not corrected by the statement in inconspicuous type, "Menorah Oil," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, olive oil produced in the kingdom of Italy, and that each of the said cans contained $\frac{1}{4}$ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained $\frac{1}{4}$ gallon net of the article, whereas, in truth and in fact, said article was not olive oil, but was a mixture composed in part of peanut oil, artificially flavored; it was not a foreign product, to wit, an olive oil produced in the kingdom of